

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

4 DOE 1, et al., Case No: C 06-5866 SBA  
5 Plaintiffs,  
6 vs.  
7 AOL LLC,  
8 Defendant. [Docket 82]  
**ORDER DENYING DEF  
MOTION TO STAY DIS**

Case No: C 06-5866 SBA

## **ORDER DENYING DEFENDANT'S MOTION TO STAY DISCOVERY**

[Docket 82]

On February 12, 2007, this Court granted Defendant’s motion to dismiss. On January 16, 2009, the Ninth Circuit reversed the Court’s ruling and remanded the action for further proceedings. Following remand, the Court set the matter for a Case Management Conference (“CMC”). In anticipation of the CMC, the parties submitted a joint CMC statement on April 1, 2009. In that statement, Defendant requested the Court to stay discovery until it rules on “how to implement the Ninth Circuit’s decision and decides AOL’s anticipated motion to dismiss Plaintiffs’ Amended Complaint.” (Docket 70 at 9-10.) At the CMC conducted on April 15, 2009, the Court denied Defendant’s request and made it clear that “DISCOVERY IS NOW OPEN.” (Docket 79.) Little more than a week later on April 24, 2009, Defendant filed the instant Motion to Stay Discovery (Docket 82) in which makes the same request that the Court already considered and rejected at the CMC. Defendant has failed to articulate any grounds for reconsidering its prior decision. Accordingly,

22 IT IS HEREBY ORDERED THAT Defendant's Motion to Stay Discovery is DENIED.  
23 This matter is referred to the Chief Magistrate Judge for the assignment of a Magistrate Judge for  
24 purposes of discovery.

## **25** IT IS SO ORDERED.

27 | Dated: June 19, 2009

Hon. Saundra Brown Armstrong  
United States District Judge